

P. 10 of 6

**CLAIM FOR DAMAGE,  
INJURY, OR DEATH**

**INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.

FORM APPROVED  
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency:

U.S. Environmental Protection Agency  
Attn: Gold King Mine Release (A8K9) Claims  
1595 Wynkoop ST (MC-8RC)  
Denver, CO 80202-1129

JAN 23 2016

910Z 02 NOV

2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code.

(b)(6)

3. TYPE OF EMPLOYMENT

4. DATE OF BIRTH

5. MARITAL STATUS

6. DATE AND DAY OF ACCIDENT

7. TIME (A.M. OR P.M.)

(b)(6)

8/5/2015

N/A

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary)

Public reaction to reports of the Gold King Mine Release into the Animas River in Silverton Colorado and continuing downstream thru Aztec, Farmington and Hirtland, New Mexico. claim is for economic loss because (b)(6) and its customers use water from the Animas River

9.

PROPERTY DAMAGE

See Attached Sheets

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

same as claimant

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side).

Location: (b)(6)

Economic Loss - see attached sheets

10.

PERSONAL INJURY/WRONGFUL DEATH

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

not injury or death

11.

WITNESSES

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

(b)(6)

(b)(6)

12. (See instructions on reverse).

AMOUNT OF CLAIM (in dollars)

(b)(4)

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause refusal of your claim)

(b)(4)

CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

SIGNATURE OF CLAIMANT (See instructions on reverse side)

(b)(6)

13b. PHONE NUMBER OF PERSON SIGNING FORM

(b)(6)

14. DATE OF SIGNATURE

1/22/16

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

claimant is liable to the United States Government for a civil penalty of not less than \$1,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)

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NSN 7540-00-634-4046

STANDARD FORM 95 (REV. 2/2007)  
PRESCRIBED BY DEPT. OF JUSTICE  
28 CFR 14.2



# INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance? ☐ Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. ☒ No

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? ☐ Yes ☒ No 17. If deductible, state amount.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

(b)(4)

19. Do you carry public liability and property damage insurance? ☒ Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). ☐ No

(b)(6)

## INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in Item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in Item number 12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

## PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. Authority: The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. Principal Purpose: The information requested is to be used in evaluating claims.

C. Routine Use: See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. Effect of Failure to Respond: Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

## PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Tort Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

1/21/2016

Re: Gold King Mine  
spill

Silverton, Colorado

(b)(6)

(b)(6)

Because of reports in the media (example enclosed) people believed that it was unsafe to use water from the Animas River on products that were watered with water from the Animas River. The people in this area that do the most planting of trees, shrubs, flowers, vegetables are the ones that have inexpensive water from ditches supplied by the Animas River.

If you believe that the water you have available is going to contaminate your land you are not going to plant anything new, especially because newly planted items require more water than established ones.

As a result of this belief many people in the Animas River Basin from Durango, Colorado, Aztec, Farmington, Kirtland, New Mexico

(b)(4)

(b)(6)

P.4 #6

(b)(4)

made at Nursery  
Relevant Period following Gold King  
Mine Spill

(b)(4)

Note: (b)(6) is located in the Animas River basin and is a member of the Halford Community Ditch which gets its water from the Animas River. We water our plants trees and shrubs with this water.



(b)(6)

(b)(6)

(b)(6)

January 22, 2016

To Whom It May Concern:

I am a Certified Public Accountant in Farmington, New Mexico and have been the accountant for (b)(6) for many years.

(b)(6) has requested that I be a witness to his claim for damage from the Gold King Mine spill. I can verify that the figures (b)(4) from the sales (b)(4) These figures are from the amounts that we report to the Taxing authorities.

If there is any additional information needed please feel free to contact me.

Sincerely,  
(b)(6)

P. 6 of 6

**+** Today's web bonus » Find complete coverage of the Gold King Mine spill. [daily-times.com](http://daily-times.com)



**Local garden**  
provides  
patients a  
place to heal  
*Local Health: A1*



**Horse racing**  
Good Job  
lives up to  
the hype at  
Futurity  
*Sports: B1*



**Egg R plant**  
second San  
Juan County  
location  
*Business: A1*

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# THE DAILY TIMES

**FARMINGTON,  
NEW MEXICO**



**THUNDERSTORMS**  
High: 88 Low: 60 » A10

Monday, August 13, 2018



GOLD KING MINE SPILL » POLLUTED WATER

# EPA: 3M gallons entered Animas

Officials present preliminary data at public meeting in Durango, Colo.

By Steve Garrison

sgarrison@daily-times.com  
@SteveGarrisonDT on Twitter

**FARMINGTON »** Officials from the Environmental Protection Agency said Sunday that the Gold King Mine discharged an estimated 3 million gallons of contaminated water, three times the previous estimate.

The mine continues to dis-

charge 500 gallons per minute, EPA Region 8 administrator Shaun McGrath said in a teleconference call Sunday afternoon, but the polluted water is being contained and treated in four ponds at the site of the spill near Silverton, Colo.

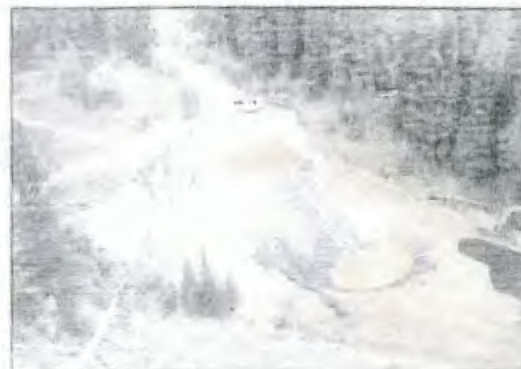
According to preliminary testing data the EPA released Sunday, arsenic levels measured in the Animas River in the Durango area

peaked at 300 times the normal level, and lead peaked at 3,500 times the normal level. Officials said those levels dropped significantly after the plume of contamination moved downstream.

Both metals pose a significant danger to humans in high concentrations.

"Yes, those numbers are high and they seem scary," said Deb-

EPA » PAGE 5



The site of the Gold King Mine north of Silverton, Colo., is pictured Friday in this courtesy photo

COURTESY OF U.S. ENVIRONMENTAL PROTECTION AGENCY

GOLD KING MINE SPILL

## 'VERY HEARTBREAKING'

- **Water:** River access closed as plume is expected to reach Colorado-Utah border today
- **Stay informed:** Officials to host daily public meeting at Civic Center; water testing



Completed Duplicate



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1595 Wynkoop ST (MC-8RC)  
Denver, CO 80202-1129

2. Name, address of claimant, and claimant's personal representative if any.  
(See instructions on reverse) Number, Street, City, State and Zip code

(b)(6)

3. TYPE OF EMPLOYMENT

4. DATE OF BIRTH

5. MARITAL STATUS

6. DATE AND DAY OF ACCIDENT

7. TIME (A.M. OR P.M.)

(b)(6)

8/5/2015 Friday

exact time  
not known

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

Public Reaction to reports of the Gold King Mine Release into the Animas River in Silverton, Colorado and continuing down stream thru Aztec, Farmington, and Kirtland, New Mexico. Claim is for economic loss because (b)(6) and its customers use water from the Animas River

9. PROPERTY DAMAGE

- see attached sheets -

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

same as claimant

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED.  
(See instructions on reverse side).

Location: (b)(6)

Economic Loss - see attached sheets -

10. PERSONAL INJURY/WRONGFUL DEATH

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

not injury or death

11. WITNESSES

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

12. (See instructions on reverse).

AMOUNT OF CLAIM (in dollars)

12a. PROPERTY DAMAGE

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause

(b)(4)

0

0

(b)(4)

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE  
FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side)

13b. PHONE NUMBER OF PERSON SIGNING FORM

14. DATE OF SIGNATURE

(b)(6)

(b)(6)

**CIVIL PENALTY FOR PRESENTING  
FRAUDULENT CLAIM**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT  
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Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)

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(b)(4)

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(b)(6)

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1/21/2016

(b)(6)

Re: Gold King Mine  
Spill  
Silverton, Colorado

Because of reports in the media (example enclosed) people believed that it was unsafe to use water from the Animas River on products that were watered with water from the Animas River. The people in this area that do the most planting of trees, shrubs, flowers, vegetables are the ones that have inexpensive water from ditches supplied by the Animas River.

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(b)(4)

(b)(6)

P.4/0f6

(b)(4)

made at Nursery  
Relevant Period following Gold King  
Mine Spill

(b)(4)

(b)(4)

Note: (b)(6) (b)(6) is located in the Animas River basin and is a member of the Halford Community Ditch which gets its water from the Animas River. We water our plants trees and shrubs with this water.



P.540

(b)(6)

(b)(6)

(b)(6)

January 22, 2016

To Whom It May Concern:

I am a Certified Public Accountant in Farmington, New Mexico and have been the accountant for (b)(6) for many years.

(b)(6) has requested that I be a witness to his claim for damage from the Gold King Mine spill. I can verify that the figures (b)(4) from the sales (b)(4) These figures are from the amounts that we report to the Taxing authorities.

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Sincerely,

(b)(6)

P. 6 of 6

**+** Today's web bonus **Find complete coverage of the Gold King Mine spill.** [daily-times.com](http://daily-times.com)



**Community**  
New garden  
provides  
patients a  
place to heal

Local News 10



**HORSE RACING**  
Good Job  
lives up to  
the hype at  
Futurity

Sports 3 B1



**Business**  
Big R plans  
second San  
Juan County  
location

Business 10

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# THE DAILY TIMES

**FARMINGTON,  
NEW MEXICO**



**THUNDERSTORMS**

High: 88 Low: 60 n A10

Monday, August 10, 2015

75 CENTS

[daily-times.com](http://daily-times.com)

A GANNETT COMPANY

GOLD KING MINE SPILL • POLLUTED WATER

# EPA: 3M gallons entered Animas

Officials present preliminary data at public meeting in Durango, Colo.

By Steve Garrison

stgarrison@daily-times.com  
@SteveGarrisonDT on Twitter

**FARMINGTON** » Officials from the Environmental Protection Agency said Sunday that the Gold King Mine discharged an estimated 3 million gallons of contaminated water, three times the previous estimate.

The mine continues to dis-

charge 500 gallons per minute, EPA Region 8 administrator Shaun McGrath said in a teleconference call Sunday afternoon, but the polluted water is being contained and treated in four ponds at the site of the spill near Silverton, Colo.

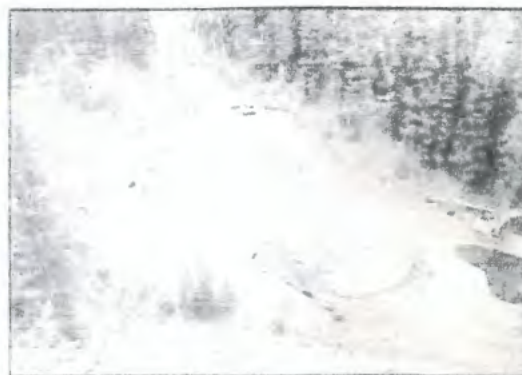
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Both metals pose a significant danger to humans in high concentrations.

"Yes, those numbers are high and they seem scary," said Deb-

EPA » PAGE 5



The site of the Gold King Mine north of Silverton, Colo., is pictured Friday in this courtesy photo.

COURTESY OF U.S. ENVIRONMENTAL PROTECTION AGENCY

GOLD KING MINE SPILL

## ‘VERY HEARTBREAKING’

**Water:** River access closed as plume is expected to reach Colorado-Utah border today

**Stay informed:** Officials to host daily public meeting at Civic Center; water testing

